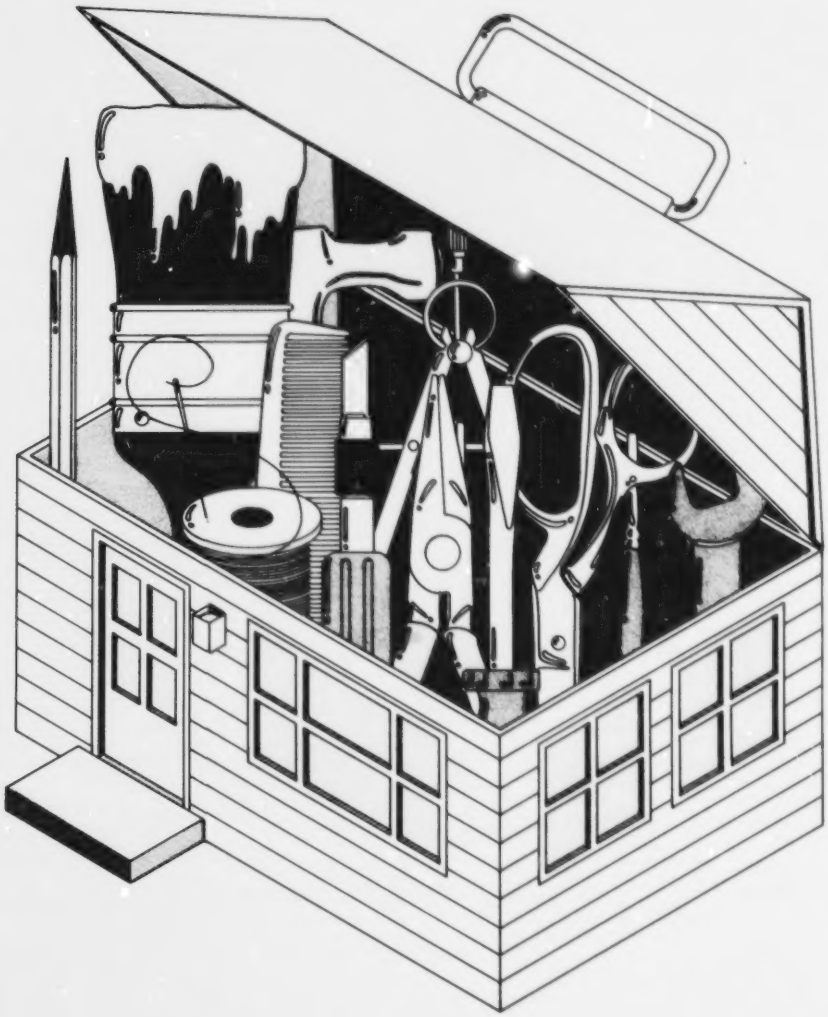
HOME OCCUPATIONS IN ALBERTA MUNICIPALITIES

An Examination of the Issues and Their Implications



Alberta Development Officers' Association

Alberta
MUNICIPAL AFFAIRS
Inter-Agency Planning Branch

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An Examination of the Issues and their Implications

Alberta Development Officers' Association
&
Inter-Agency Planning Branch
Planning Services Division
Alberta Municipal Affairs

November, 1985

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FOREWORD

by Peter Vana, President
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The matter of home occupations has been one which has received a great deal of attention by Development Officers and their municipalities over the past several years. In an effort to identify and address the issues, the Alberta Development Officers' Association has approached Inter-Agency Planning Branch of Municipal Affairs. The subsequent report produced by Inter-Agency Planning Branch is one which will assist Development Officers and their communities in understanding home occupations, how other communities deal with the issue, and hopefully offer insight in resolving specific issues in their municipalities.

The Alberta Development Officers' Association would like to express its sincere thanks to all those at Inter-Agency Planning Branch, Department of Municipal Affairs, Government of Alberta, for producing the home occupation report. This report represents another example of the superb assistance and co-operation between the Alberta Development Officers' Association and Inter-Agency Planning Branch.

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HOME OCCUPATIONS IN ALBERTA MUNICIPALITIES:

AN EXAMINATION OF THE ISSUES & THEIR IMPLICATIONS

INTRODUCTION

• Origin of Project

For much of recorded history, the occupations people pursued were closely tied to their homes or their immediate neighbourhoods. With the Industrial Revolution, this pattern of integrated work and social life changed. To service the engines of industry and commerce, people were required to be centrally located, in factories or offices, away from their homes.

Recently, social analysts have detected what they believe is a reversal of this trend. There has been considerable interest of late in the concept of working out of the home. This revived pattern of economic life has far-reaching ramifications for social life, personal lifestyles, and the nature of our communities.

This paper examines the subject of home occupations, as it applies to Alberta. There is a general perception among Alberta municipalities that increasingly, people are conducting businesses from their residences. Whether the perceived increase is due to recessionary trends, which render supplementary family incomes necessary, or the changing technological base of the broader society with the widespread use of the microcomputer, is not clear.

Recognizing the municipal interest in the area of managing home occupations, and the lack of clarity surrounding the issue, the Alberta Development Officers' Association requested that the Department of Municipal Affairs assist them in conducting a study into the matter. Accordingly, staff of Inter-Agency Planning Branch and the executives of the Association designed a questionnaire and carried out a study of province-wide perceptions about the subject. The results of this study are reported here.

• Purpose and Methodology

The main purpose of the report is to provide information to municipal development officers, council members, merchants and those who operate businesses out of their homes, so as to better understand the home occupation issue. By examining both the global and local situations, it is hoped that a practical approach to handle the opportunities and the problems associated with this issue can be developed.

For the purpose of this report, a home occupation is defined as an accessory use of a dwelling unit, involving the manufacture, provision, or sale of goods and/or services. The term "cottage industry" is used to identify the trend or movement towards working out of the homes i.e. home occupations.

The methodology used consists of the following:

- a mail-out questionnaire survey;
- in-depth telephone interviews with selected municipalities; and
- a review of the literature, highlighting examples drawn from other Provinces and the U.S.A.

Recommendations are then developed on the basis of the Alberta situation and experience elsewhere.

IMPLICATIONS OF HOME OCCUPATIONS

• The Global Situation

The "cottage industry" is becoming a more visible feature of the economy. In the U.S., there is already an association called "The National Association of Cottage Industries". The cottage industries include such diverse occupations as fabric designers, vehicle testers, publishers and upholsterers, as well as a great many more traditional occupations which are now being operated from the home.

A wide range of future writings suggests that we are moving into an age in which generating, analyzing and processing information will become an important part of the economy. Technological advancement, such as sophisticated telecommunicating and data processing systems, has enhanced the ease of working out of the home.

According to the U.S. Chamber of Commerce, 10 million businesses list home addresses as their place of business. Similar to the U.S. and other industrialized countries, the popularity of home occupations is also increasing in Canada.

• Home Occupation: Its Implication on Life Style

Advantages

There are definite advantages in working out of the home. First, it saves time in travelling to the work place each day. A homeworker can also save money on clothes, gasoline, parking, restaurant lunches and other expenses associated with working in a traditional office. It may mean no more coping (at least face-to-face) with office politics, and less interpersonal friction. People with physical disabilities can participate in the work force without the trouble of special travel arrangements.

Parents can take a more active role in raising their children. Assuming that "the family that works together stays together", working out of the home could provide the answer to those who believe action is urgently needed to "glue the family unit together again". Above all, working at home may offer many the flexibility and freedom which is seldom found in a nine-to-five situation.

Home occupations may offer more convenience to the consumer. Instead of travelling some distance to the store for cosmetics or a hair cut, the consumer can obtain these services in his/her own neighbourhood. This is particularly true in a rural setting, where consumers may normally have to travel to the closest town or village to get such services.

Home occupations can also be viewed as an incubator for establishing new businesses and promoting the entrepreneurial spirit. They allow the set-up of businesses which may not otherwise be able to start in a bona-fide commercial area, where overhead expenses are high.

Disadvantages

Monica Townson in an article, **High-Tech Homeworkers: Are Computers Destroying Your Home?**, warns that not everyone may be cut out for this type of work. She suspects that many couples might find their marriage coming perilously close to being on the rocks if they have to spend all day, every day, with each other. Union advocates also claim that working at home merely saves employers money for overhead and may stimulate a return to "sweat shop" practices; that is, a homeworker may be forced to accept minimum wages and may not receive benefits associated with office employment. The spectre of child labour is also raised as family members may be requested to help to get the work done. However, Townson feels that the most severe problem may be one of supervision. How can management supervise its employees when they do not see them and they are physically isolated? Can people function successfully in isolation?

• General Planning Implications

Much of the recent growth in the number of home businesses may be the result of high unemployment. The elimination of many jobs in industry, due to the use of machines and other technical advances, and the effects of the recession, may have forced many to seek self-employment. In addition, people may be choosing to work out of their homes because they prefer that kind of life-style.

Whatever its cause, the trend toward home occupations is becoming more evident. It will probably become a subject of greater concern to planners, development officers, council members and merchants, to the extent that each is concerned with the use of land and the shape of our communities in the future.

There are a number of aspects of home occupation which require our attention:

- impact on the neighbourhood;
- impact on immediate neighbours;
- impact on municipal finance; and
- impact on other businesses.

Impact on the neighbourhood

There is a potential danger that home occupations could change the residential character of a neighbourhood. A home occupation, with constant visits from clients, could strain neighbourhood parking spaces, generate additional traffic, and disturb the quiet of the neighbourhood. The proliferation of home occupations in a particular neighbourhood could eventually change it from one with a residential character to a more commercial type of environment.

Impact on immediate neighbours

Neighbours can be annoyed by nuisance created by some home occupations. Increased traffic may create extra hazards for young children. There also may be increased noise, odour, heat and other hazards which create a nuisance for the neighbours. Outside storage could affect the aesthetics of the neighbourhood. All these may be seen as unfair to the residents who perhaps anticipated a quiet living environment when they moved into the neighbourhood.

Impact on municipal finance

In a residential neighbourhood, public facilities are frequently planned to accommodate a low density residential use. With commercial uses increased through home occupations, there may be a negative impact on public services and facilities, such as waste disposal, water supply, garbage collection, etc. These could be strained to such an extent that more maintenance would be required. Tax rates may be different for commercial and residential properties. Municipal revenue might therefore decrease if no equitable taxation formula is applied to home occupations. These could affect the municipal treasury and add to the tax burden of local citizens.

Impact on other businesses

A person who operates a business from his/her home can avoid some of the overhead carried by a business which operates from a bona-fide commercial area. That is, there are frequently different rates set for utilities and rents for a business. There is a perception among established businesses that home occupations constitute unfair competition, developed under a different set of rules. In the eyes of many business people, there is discrimination if home occupations are not treated in the same way as other business operations. The problem is perhaps more serious still if a municipality is trying to promote the rehabilitation of downtown commercial establishments.

THE ALBERTA SITUATION

Alberta municipalities started to feel the significant impact of home occupations in the late 1970's. A number of municipalities and planning authorities have studied the situation and attempted to resolve it through various means of control. However, there is no overall study reflecting the situation in the whole Province. Through the use of an Alberta-wide questionnaire, this study attempts to provide a provincial perspective. Accordingly, in the Spring of 1985 a survey was undertaken.

A mail out questionnaire (Appendix 1) was sent to all Alberta municipalities, 363 in total. The main purpose of the survey was to obtain a broad perspective of the home occupations issue among Alberta municipalities. The questionnaire dealt with different aspects of the issue: attitudes about it; assessment and taxation aspects; types of home occupations; means of control and enforcement. The questionnaire also asked about municipal characteristics, so as to draw out some patterns or trends on home occupations. The results of the questionnaire were validated by in-depth telephone interviews with eight randomly selected municipalities in May, 1985.

• Summary of Findings

Based on the results of the questionnaire, several observations can be made about the home occupation issue:

- Home occupations seem to be a more controversial issue among large urban municipalities in Alberta (cities and towns), than among small urban (villages and summer villages), or rural (I.D.s, Counties, M.D.s and Special Areas) communities. However, all municipalities recognized that most home occupations were established in response to the recent economic situation or the pursuit of different life styles.
- The cottage industry trend is becoming more popular in Alberta. However, it is difficult to determine the extent to which advanced technological instruments, e.g. micro computers, are being used in the operation of home occupations.
- The degree of concern over home occupations varies from municipality to municipality. Some municipalities wish to limit home occupations, while others promote them as a reasonable response to the economic situation.
- The means of controlling home occupations currently practised by Alberta municipalities include:
  - the requirement for development permits and/or business licences; and/or
  - the application of commercial mill rates to that portion of the dwelling used for home occupations.
- Most municipalities have difficulty in monitoring existing home occupations, and in enforcing the relevant regulations.

• The Home Occupation Survey

Rate of return

Of the 363 municipalities in Alberta, 158 completed the questionnaire, giving a 44% response rate, which is considered fairly good for a mail-out survey.

Generally, a higher percentage of urban municipalities, especially the large ones (cities and towns), responded to the survey. In order to facilitate easy comparison, the responding surveys were grouped into large urban (cities & towns); small urban (villages and summer villages); and rural (I.D.s, Counties, and M.D.s) municipalities.

Is Home Occupation an Issue?

Is home occupation of particular concern to municipalities? From the result of the survey, it is quite evident that most rural municipalities did not regard home occupation as an issue in their areas. Only the large urban municipalities seemed to have a particular concern, with 56% of the responding towns and 63% of the responding cities, indicating that it was an issue.

Summary of Issues

For the few rural municipalities which indicated home occupations as an issue, the concerns raised were: unfair competition, nuisance to neighbours, changes to the neighbourhood, and strain on the public treasury. These were similar to the general planning implications discussed above. "Problem of control" was indicated as an issue among the urban municipalities. This problem seems to stem from the reality that it is almost impossible to locate a home occupation unless the operator identifies it or neighbours complain. None of the municipalities, except the very small ones such as summer villages with less than 100 people, could confidently estimate the number of home occupations within their jurisdiction. Without information about the location of home occupations, it is of course difficult to implement any planning or control measures.

FIGURE 1

Returned Survey by Administrative Units

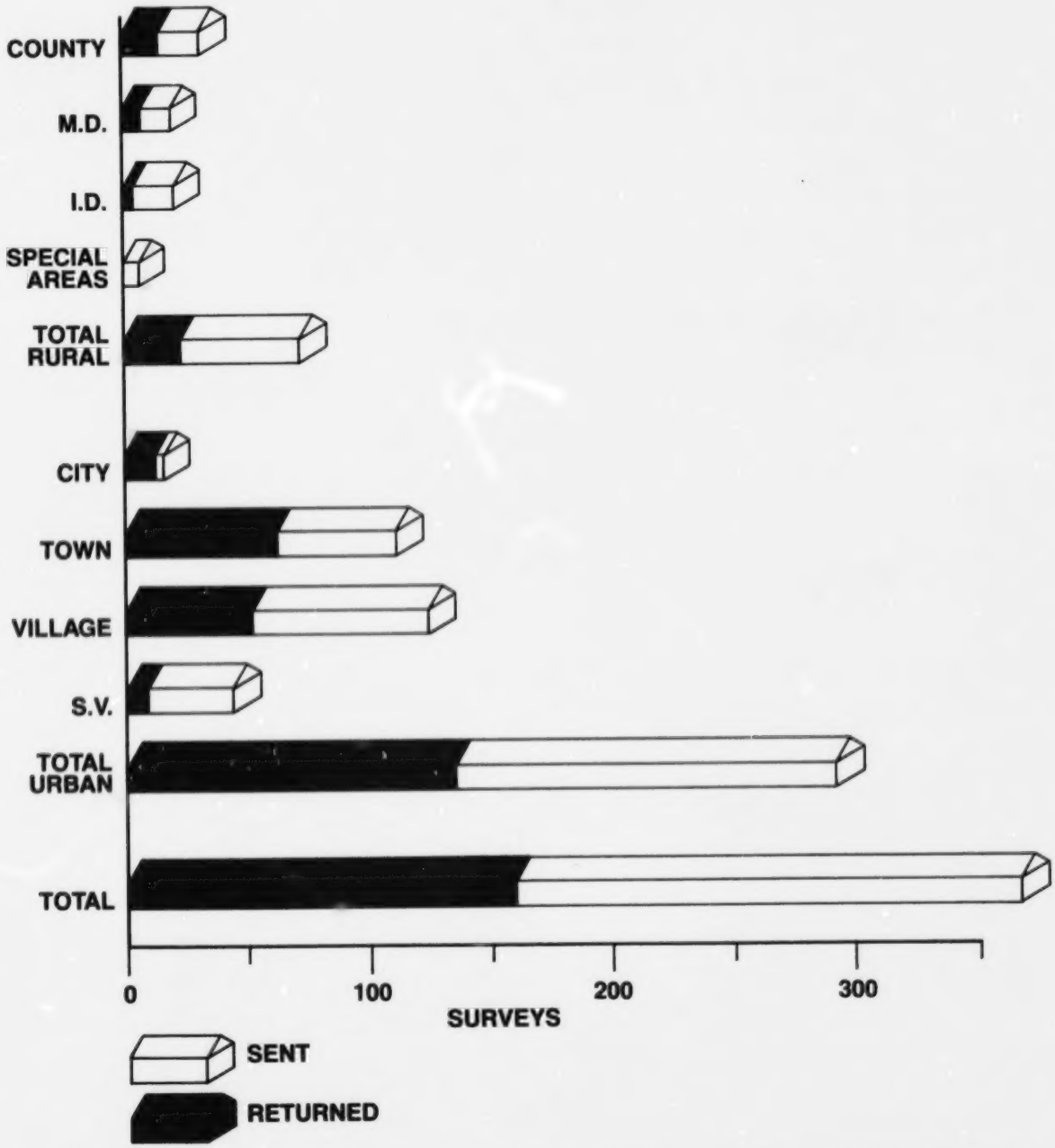
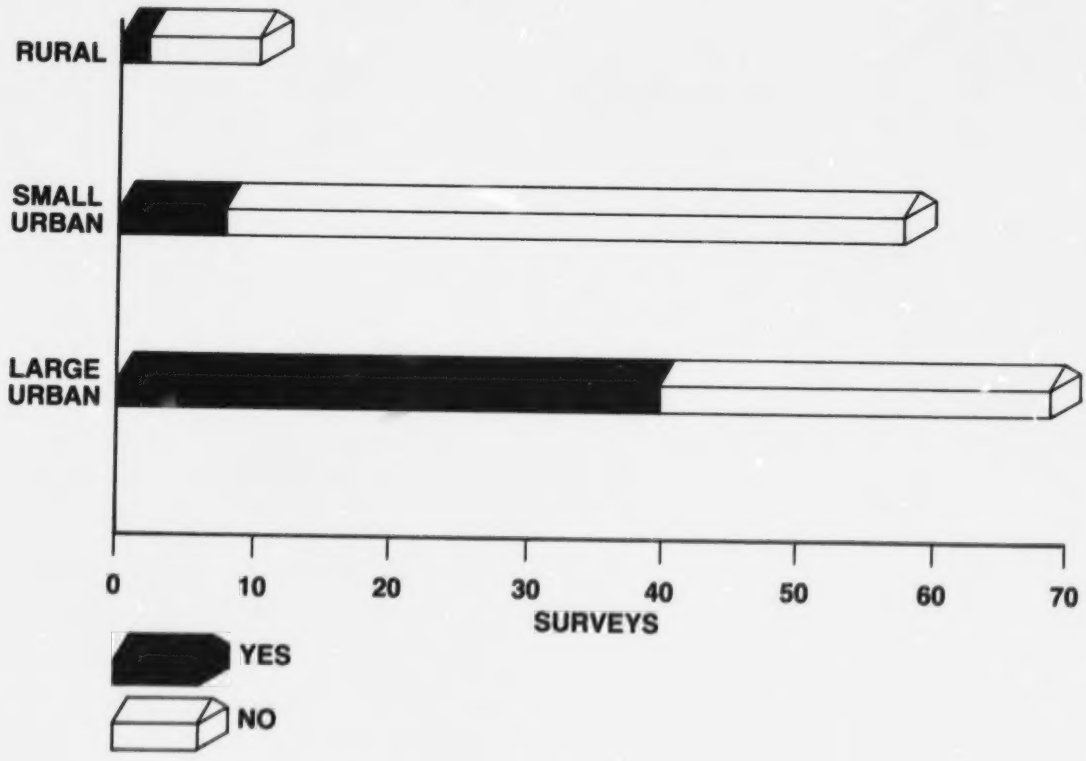


FIGURE 2

Is Home Occupation an Issue?



"Taking business from downtown" seemed to be an issue among many of the towns, perhaps reflecting a greater sensitivity to the downturn of the economy. Quite a number of towns are struggling with the idea of downtown revitalization. The proliferation of certain types of home occupations may work against a strong downtown. However, this may only be a perception among municipal administrators, for it is extremely difficult to verify the real impact of home occupations on downtown developments. Some businesses may start as home occupations and may eventually move into bona-fide commercial areas or downtown when their clientele builds up.

Most issues relating to home occupations seem to depend on the type and intensity of a particular use. Home occupations seem to be a problem only when the uses become so intense that they adversely affect the residential environment of the neighbourhood. They may create visual and traffic nuisances, such as when a large inventory of goods are visible or due to heavy traffic volumes generated by clients.

The concern over home occupations varies from municipality to municipality. For example, a home-based barber may become an issue in an urban municipality, but may be welcome in a rural municipality, where he/she provides a convenience to the neighbours, saving them time and money and the necessity to travel to the closest urban centre for such a service. However, there is a concern that this may lead to inter-municipal conflict between urban and rural municipalities.

Most Prominent Home Occupations

The five most prominent home occupations were almost identical in all municipalities. They were:

- direct service, which include services like barbers, beauticians, seamstresses etc.
- building/contracting/handyman
- tradesmen which include mechanics, electricians, plumbers etc
- direct sales e.g. Avon or Amway
- woodwork and crafts

It should not be surprising to find these types of businesses operating as home occupations. These can be operated by a home owner either on a full or part-time basis. The number of clients visiting the premises, other than for direct services, are fairly restricted. These types of businesses also do not really require exhibition of the goods to attract customers. Direct sales, such as Avon and Amway, are specifically designed for operation out of the home. Woodwork and crafts can be regarded as an extension of the home owners' hobbies.

Some less conventional home occupations appeared on the list, such as meat cutting and water hauling in rural municipalities; greenhouses in small urban municipalities; and small-scale manufacturing in large urban municipalities. Trucking companies operating out of the home are found in all municipalities. These results indicated that home owners are quite creative in establishing different businesses out of their homes. From the survey there is no indication that the use of advanced technology e.g. computers is becoming important in Alberta.

Attitude

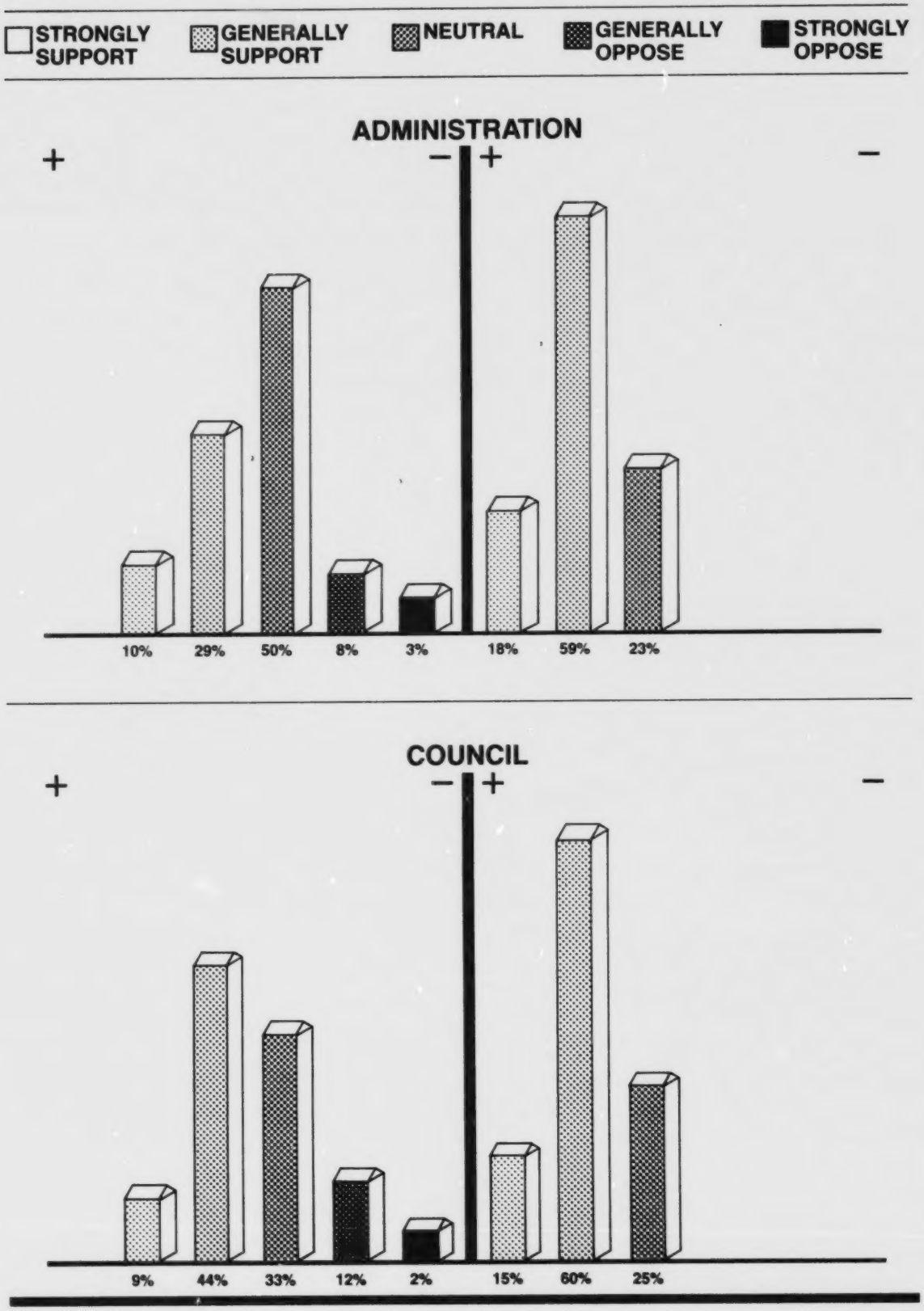
The respondents (municipal administrator or development officer) were asked to indicate what they perceived as the attitude of council, administration, Chamber of Commerce/merchants, and neighbours towards home occupations.

. Administration and Council

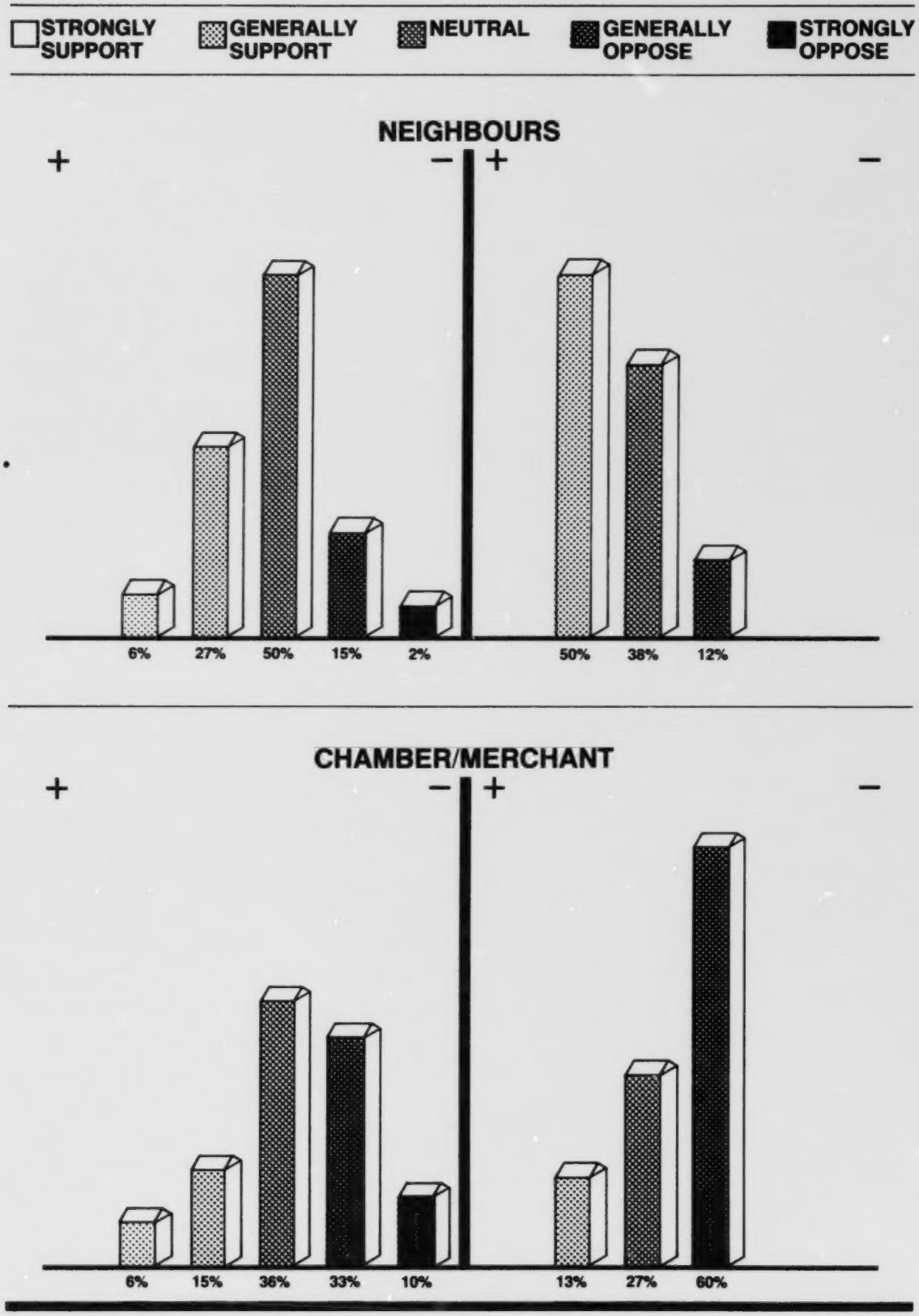
All of the rural municipal administrators supported home occupation or were neutral to the issue. This reinforces the observation that home occupations may not be a problem in rural municipalities. The cities followed the same pattern. Towns, villages and summer villages, however, indicated some opposition towards home occupations. Opposition was strongest among the towns, which had about 16% of the respondents opposed to the idea of home occupations. The respondents perceive councils having a similar attitude towards home occupations.

FIGURE 3

Attitude Towards Home Occupations



Attitude Towards Home Occupations



. Chamber of Commerce or Merchants

Generally speaking, in the large rural municipalities, merchants attitudes were reported as ranging from generally supporting to generally opposing home occupations. In villages and towns there were more merchants opposing home occupations than supporting them. The inclination to oppose home occupations was even stronger in the cities where no merchant strongly supported home occupations. This question does not apply to summer villages or rural municipalities which usually have no chamber or merchant group.

. Neighbours

Regarding the attitude of neighbours, the respondents indicated that the strongest evidence of opposition again came from towns, perhaps because the quiet small town environment can easily be disturbed by a busy home occupation. In rural municipalities, neighbours are so far apart that noise or traffic are not seen or felt as a nuisance. City residents, on the other hand, may be more tolerant of traffic noise and other nuisance factors associated with urban congestion.

Means of Control

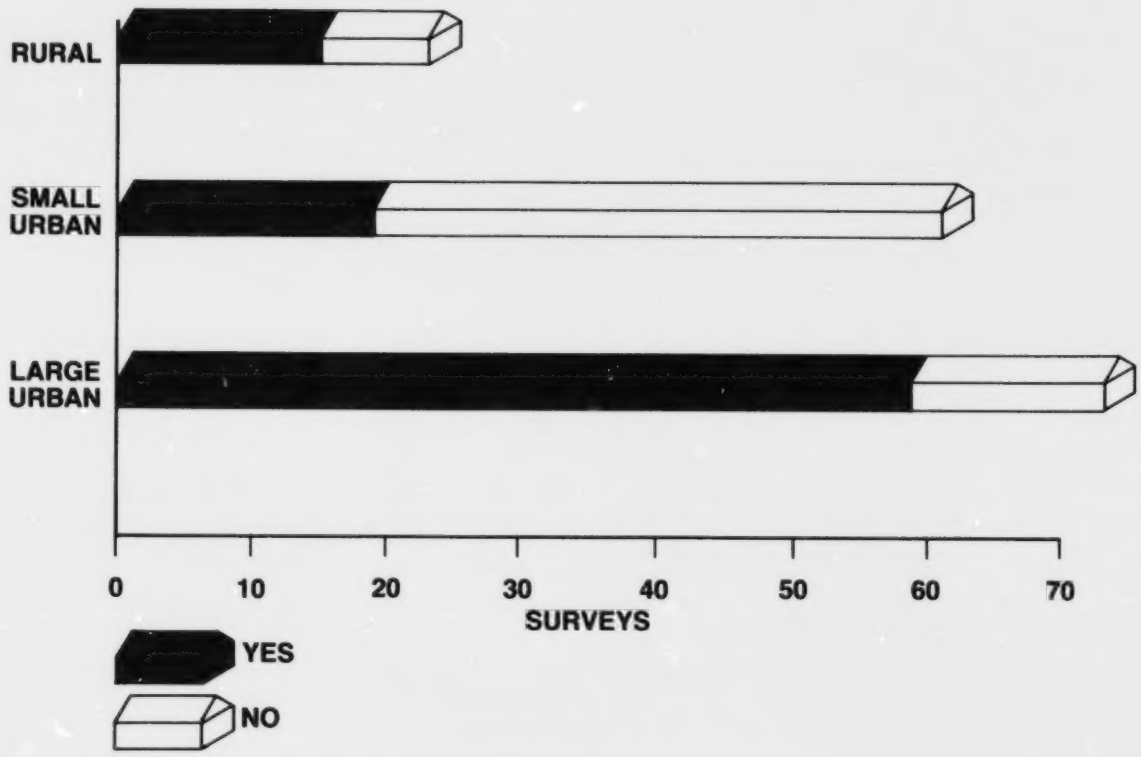
. development permit

According to the survey, cities had the highest percentage, 92%, for requiring development permits for home occupations, followed by M.D.s with 86%, and towns with 79%.

Under Section 69 of the Planning Act R.S.A. 1980, a municipality can, through the use of land use districts in the land use bylaw, control and regulate home occupations. Under each land use district, the permitted uses and discretionary uses of land or buildings or both can be prescribed, providing a detailed guide as to what is acceptable or not. Furthermore, a land-use bylaw must establish a method of making decisions on applications for development permits which may include: types, procedures for application and processing, conditions, time period, and discretion. While some municipalities have separate bylaws governing home occupations, most municipalities stipulated in their land use bylaws that a development permit is required for the establishment of a home occupation use.

FIGURE 4

Requirement of Development Permit



Home occupations are listed as permitted uses in some land use bylaws, and fall within discretionary uses in others. In the latter case, either the development officer or the municipal planning commission is thereby delegated the discretionary power to approve a home occupation. Some summer villages and villages do not have land use bylaws, and therefore cannot regulate home occupations through such mechanisms.

In evaluating a development application, development officers frequently use performance criteria which vary from municipality to municipality. These commonly include:

- the occupation is operated by a resident of the home
  A home occupation must be operated by the residents of that particular home. In order to facilitate the establishment of home occupations, some municipalities permit the employment of one or two employees who reside elsewhere.
- the occupation use is incidental and subordinate to the residential use
  The main purpose of a home is for residential and not for commercial purposes; therefore, most municipalities specify the maximum floor area ratio a home occupation can occupy within a residential dwelling. This ratio varies from 25% to 30%.
- the home occupation has little impact on outside appearance
  In order to maintain the aesthetics of the neighbourhood, some municipalities control the outside appearance of a home occupation e.g. the size and form of signage, the amount of outside storage, and the extent of structural change to the original building.
- guidelines on traffic and types of vehicles used
  Extra traffic on a residential street is not only a nuisance to the residents but may also be dangerous to small children. Some bylaws, therefore, stipulate that a home occupation should not create excess traffic or use heavy commercial vehicles which would disrupt the quiet of the neighbourhood. In order to control the amount of traffic some land use bylaws stipulate a maximum number of clients who may visit the home occupation per day, for example, six clients per day for music classes, to eight for a day care centre.

- control of nuisances

  Other than traffic, there are other nuisance which a home occupation might create: dust, odour and noise. Some municipalities have written an acceptable nuisance level into their bylaws, including guidelines on the use of mechanical equipment, ventilation equipment, and attenuation measures.

Some municipalities divide home occupations into a number of different categories according to the intensity of use, and then vary the performance criteria for each category and exercise control accordingly.

The fee charged for a development permit for a home occupation varies among municipalities, from no charge to $175. Some municipalities use a variable rate depending on the value of the development. The higher charge can be viewed as a deterrent to home occupations, a means of reducing the unfair competition with other commercial developments, and/or as a means of readdressing some of the tax inequity.

Some of the development permits issued are temporary; that is, for a duration of one to two years. Some municipalities have placed special provisions in their bylaws that allow revoking of the permits should a neighbour complain. These are used as mechanisms for monitoring home occupations.

The use of public information to explain the home occupation issue appears to be beneficial, since most people do not seem to be fully aware of the regulatory process required for approval of a home occupation. Some municipalities have designed special application forms for home occupation purposes in which the development approval process is explained. The City of Fort McMurray goes one step further by publishing special brochures explaining the home occupation issue.

Some municipalities use an approach which requires a development permit only for a certain type of home occupations. This eliminates "red tape" for those home occupations which do not cause any problems, such as telephone sales, but requires permits for those which may have impacts on the community. The municipality will use discretion in approving the latter types of home occupation.

- business control and licensing

Section 250 of the Municipal Government Act R.S.A. 1980, has a direct impact on home occupations. Under this provision, a municipality may, through a bylaw, regulate home occupations as a form of business, and remove a home occupation if it constitutes a nuisance to the community.

Furthermore, Sections 222, 224 and 225 empower a municipality to control home occupations through the use of business licences. These provisions allow a municipality to impose differential business licence fees, revoke business licences, and specify conditions for approval of such licences.

Most large urban municipalities in Alberta use business licences to control home occupations. The business licences are usually renewed each year, with a fee schedule varying from municipality to municipality, ranging from $25 to $250. The high licence fee may be an effective means of limiting the proliferation of home occupations. One Alberta town actually charges a higher business licence fee for home occupations than for regular commercial developments.

Most municipalities have developed a procedure such that when a home occupation operator applies for a business licence, the municipal administrator informs the applicant that he/she needs a development permit, in addition to the business licence. Such a procedure streamlines the whole home occupation development process.

- Assessment

Under Section 96 of the Municipal Taxation Act R.S.A. 1980, municipalities are allowed to levy a different mill rate on the portion of a residence which is used for home occupation purposes.

In urban municipalities, all properties are assessed and usually different mill rates are established for residential and commercial properties. In rural municipalities, farm residences have been exempted from assessment. However, other buildings on the farm may become assessable if a home occupation is in operation e.g. a repair shop.

FIGURE 5

Requirement of Business Licence

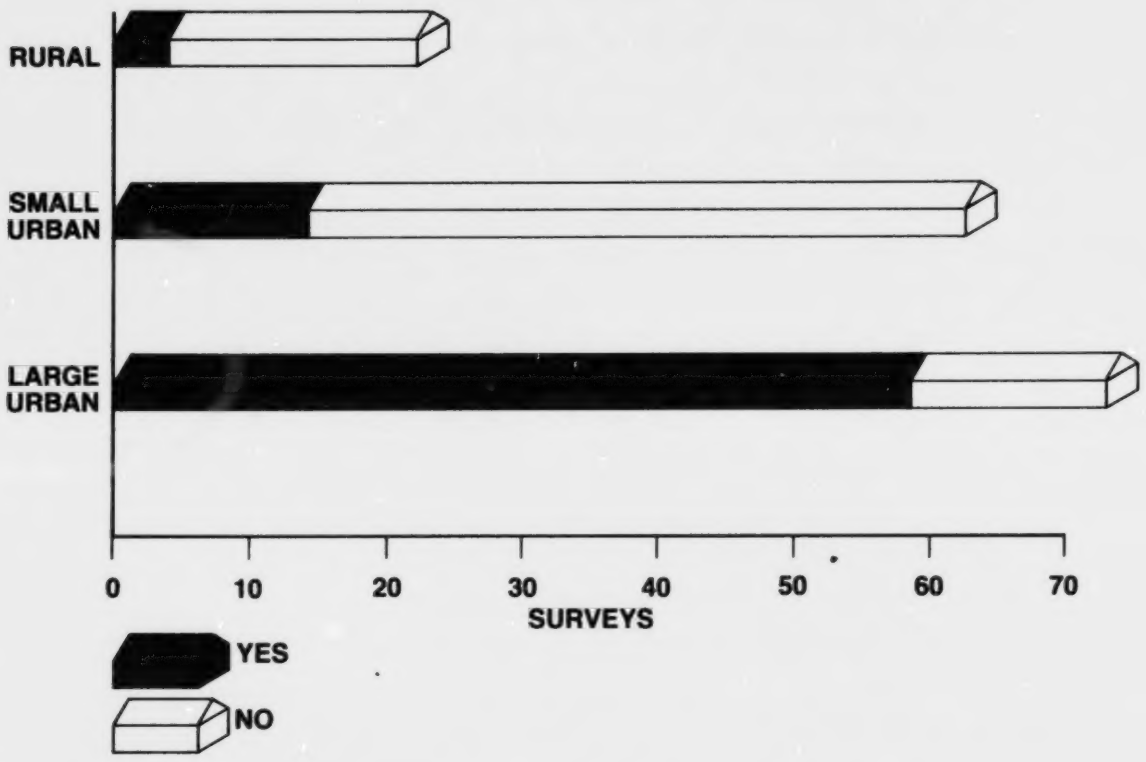
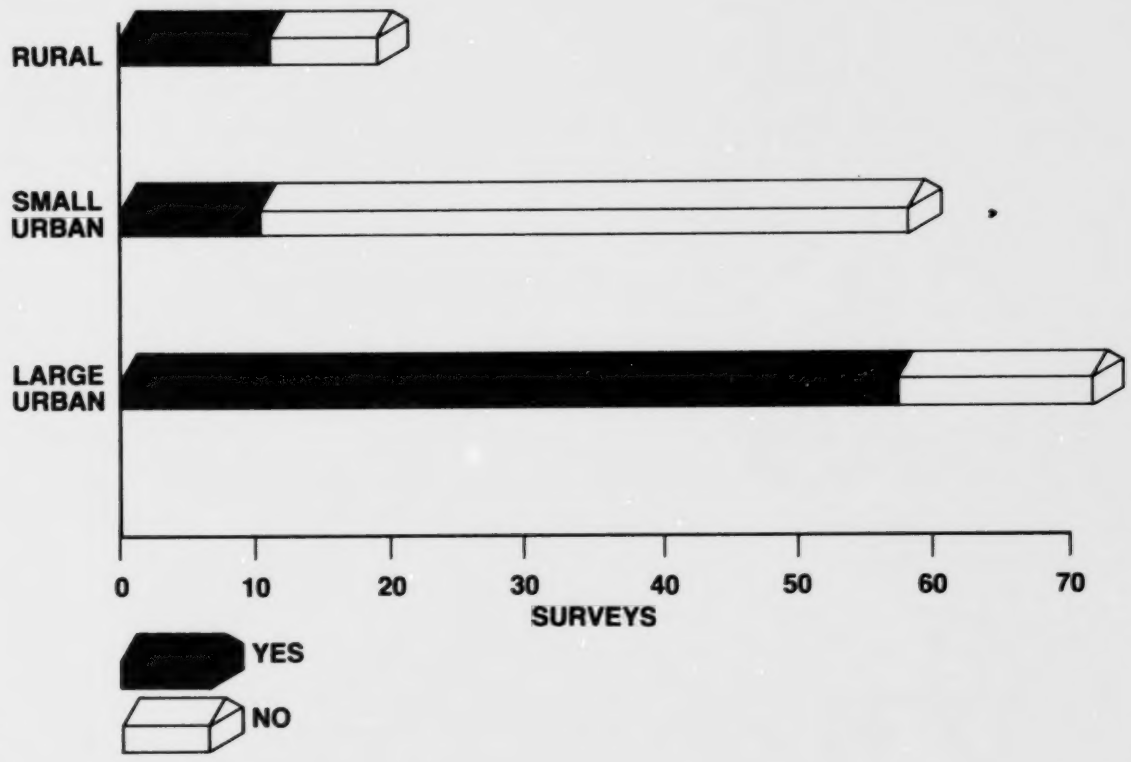


FIGURE 6

Assess Home Occupation as Commercial Property



Municipalities may levy a different mill rate on that portion of the property which is used for commercial purposes. According to the survey, Counties, M.D.s and towns seem to use this method more than other municipalities. An area within the residence has to be defined and a commercial rate applied to a fixed percentage of the floor area of the property under consideration. However, for many home occupations e.g. sale of products like Avon, Amway, it is extremely difficult to determine the exact area which the operation occupies. Also the occupation may be carried out on a part-time basis, which would affect the amount of tax the occupation should pay. Calculating an equitable rate would therefore involve a rather complicated formula, incorporating all relevant factors.

Enforcement Problems

Home occupations are not always readily detectable as most of them depend on word-of-mouth for advertisement. The most conspicuous element indicating a home occupation may be a sign on the door or outside the building indicating the presence of a business. Without a proper listing of all home occupations in a municipality, it is difficult to enforce the regulations in a fair and appropriate manner. The enforcement problem partially stems from the fact that not everyone may be aware that in order to operate a home occupation, he/she has to follow certain regulations of the municipality. Another problem is related to continued enforcement. Once a development permit is issued, it is very difficult to prevent the business from expanding. With the expansion, other problems like traffic and parking may intensify.

• General Comments

Home occupations at present seem to be a major concern only to large urban municipalities. While most municipalities recognize that home occupations may become prevalent, it was clear from the survey that the "cottage industry" is becoming more popular in some municipalities than others.

Moreover, different municipalities seemed to be concerned with different aspects of the issue e.g. Devon is concerned with home occupations operated from garages while the County of Leduc is concerned with home occupations in acreage developments

However, whether or not the issue of home occupations poses any problem to a municipality at the present time, it is advisable to think about how to handle such developments in the future. Sound land use planning, aimed at accommodating or regulating home occupations, may prevent future problems.

PLANNING APPROACHES OUTSIDE ALBERTA

Although the home occupations issue has recently become a significant concern to planners (e.g. the American Planning Association is at present sponsoring a North American survey), documentation of the topic is rare. One of the earliest studies is the ASPO publication by William Toner, **Planning for Home Occupation** in 1976.

Generally speaking, Toner suggests that home occupations should be regulated for the purpose of good land use planning. Most of the zoning ordinances in the U.S. are fairly land-use-control oriented and do not allow discretionary uses. However, performance criteria are usually included in the ordinances. Toner proposes two methods of regulating home occupations: the permit approach and the no permit approach. The permit approach requires all operators of home occupations to apply for development permits. The approval of the permit depends largely on the discretion of a development officer or council, which uses performance criteria provided in the ordinances as the basis for evaluation. The no-permit approach is simpler for it does not require a development permit for acceptable home occupations which are listed in the ordinances. The administrative effectiveness of the no-permit approach relies heavily upon the business licence monitoring system.

Most of the municipalities in other Provinces include the home occupation regulation in their zoning by-laws. Since legislation varies from province-to-province, the methods of control for home occupation vary. In Ontario, zoning by-laws include only permitted uses. A development permit is not required for any development. The compliance of land use with the zoning by-law is examined at the building permit application stage. This approach is similar to the no-permit approach described by Toner. In British Columbia, a developer usually submits the development permit application with the subdivision application. So, although discretionary uses are included in the zoning by-laws and development permits are required, there is less flexibility to change the land use at a later stage.

In contrast to the rigid land-use-control approach to the issue, Alberta municipalities have the flexibility of using various means to regulate home occupations. The Planning Act R.S.A. 1980 provides for the inclusion of permitted and discretionary land uses in the land use bylaws. With this flexibility, Alberta municipalities if desired, may allow home occupations by listing them as permitted uses, or they can choose to evaluate each home occupation application on a case-by-case basis by putting them under discretionary use. The Planning Act also allows municipalities to control the type of development permit to be issued. So, municipal councils can choose to use either the permit or no-permit approach or a combination of both.

ARRIVING AT A SOLUTION TO THE HOME OCCUPATION ISSUE

Since the home occupation issue varies from municipality to municipality, it is extremely difficult to suggest one specific approach to handling all situations. There are a number of questions, however, which can help in the development of a solution.

Question 1

Is home occupation an issue in your municipality?

There are certain indicators that suggest whether home occupations are presently, or may become, an issue in your municipality:

- there are a significant and increasing number of development permits and business licences for home occupations
- there have been a number of neighbour complaints
- there have been a number of complaints from merchants
- there are a number of commercial signs in residential neighbourhoods
- there are a number of advertisements for services or products from the homes in local newspaper and other mass media.

The increase in the numbers of the above indicators may signify that home occupations are increasing in the municipality, and are therefore worthy of the attention of the municipal development officer, the planner, and the council, who may wish to explore the issue further.

If the indicators listed above are not evident, then home occupations is probably not a concern yet in your municipality. There is probably no urgent need for action. However, you may wish to consider this issue of home occupations in your next planning cycle, for possible inclusion in a new bylaw or general municipal plan.

Question 2

If it is an issue, does it require control?

As mentioned above, home occupations may be a problem to one municipality but a blessing to another. Home occupations can be controlled so stringently that such establishments will be deterred from being established. On the other hand, provisions can be made to facilitate such establishments.

Even if home occupations do not pose any problem at the moment, steps may have to be taken to avoid future problems. It is important to gather relevant data regarding home occupations in your municipality. You may wish to ask yourself the following questions:

- What are the most prominent home occupations in your municipalities?
- Are there any problems associated with them? What seems to be the most urgent problem?
- Do these home occupations challenge existing commercial enterprises? Are they really taking business away from downtown?

Real facts rather than perceptions are important in your answers.

Question 3

What are the objectives of control?

Municipalities should be clear about why they are presently regulating or wish to regulate home occupations.

- Are home occupations land use problems, i.e. are they posing a nuisance to neighbours or changing the characteristic of the neighbourhood?
- Are they considered unfair competition to other merchants?
- Are they straining the public treasury and therefore bringing unnecessary burden to the tax payers?

Each of the above objectives involves a different solution. Councils has to decide on the basic objectives for regulating home occupations before they can select the appropriate methods of control.

Question 4

What are the appropriate methods?

After deciding on the objectives, a municipality may then choose the most appropriate method to handle the home occupation issue.

. To resolve land use problems

Since Alberta municipalities are given discretionary power on land use planning matters including the requirement of development permits, different methods can be used to regulate home occupations depending on the attitude of council. The no-permit approach, which does not require a development permit, is simple to implement and therefore would probably be favoured by municipalities experiencing few problems with home occupations. The permit approach, which requires an application to obtain a development permit to operate a home occupation, depends on the discretion of the approving authority and provides more flexibility, as each case is evaluated individually.

Samples of land use bylaws and home occupations bylaws from both rural and urban municipalities are included in the appendices for reference. In formulating the home occupation section of the Land Use Bylaw, the nature of the performance criteria is probably the most important consideration. The more stringent the performance criteria, the fewer the home occupations which will qualify for a permit. The criteria should address the most urgent concerns seen to be applicable in your municipality. You may wish to control a particular type of occupation because of noise, visual appearance and so on. By designing criteria which address type, intensity, noise and appearance, you may prevent the undesired condition from developing. The performance criteria used by different municipalities are listed in a previous section of this report. While these may not be appropriate for everyone, they do provide some ideas which may be applicable in your situation.

- Assessment and taxation

As mentioned previously, levying a different mill rate for a home occupation is one means, although a fairly complicated one, for dealing with home occupations. The factors to be considered in deriving a formula may include the floor area that a home occupation occupies, and other relevant factors. Unless the number of home occupations in your municipality is large enough, such an approach to regulation may not be advisable since the financial return may not be worth the effort. Municipalities should consult with their local assessor before using this means of control.

Question 5

Do you have adequate means of enforcement and monitoring?

Enforcement seems to be the most difficult aspect in regulating home occupations. First, a municipality should educate its residents about the approval process for starting a home occupation. Also, the public should be informed of their rights to bring forward any concern to the proper authority so that appropriate actions can be initiated. Information brochures and other forms of publicity are effective means of educating the general public. A public education program can be designed to convey the message of either promoting, accommodating or controlling home occupations in the municipality.

The development officer can identify home occupations through neighbour complaints. Home occupations can also be traced in newspapers and other forms of advertisement.

It is also helpful to set up some form of monitoring procedure to ensure that home occupations which have received approval are abiding to the performance criteria. This can be done through an annual renewal of business licences and/or development permits as set out in bylaws. Special forms can be designed to document all information necessary for enforcement and monitoring (see Appendix 5). A special clause may also be included in the bylaw stipulating that the permit may be revoked at any time if the home occupation is found to be detrimental to the neighbourhood.

Even if a municipality wishes to encourage home occupations, it may still be advisable to include performance criteria in the bylaw so as to protect existing uses in the neighbourhood. They can prevent unwanted future problems and may also serve as guides to the systematic development of home occupations.

If a municipality desires to regulate home occupations in a more detailed fashion, the combination of a permit and no-permit approach should be considered. Certain types of home occupations which the municipality does not consider to be posing any problems can be classified as permitted uses, e.g. a desk and phone operation where no development permit may be required. Such a provision would eliminate some of the unnecessary "red tape" in the process. Others, the approval of which depend on the character of the neighbourhood and the intensity of use, can be classified as discretionary uses where a development permit is required. Even within the category of discretionary uses, home occupations can be further broken down into sub-groups with varying performance criteria.

- Business licence

Charging a business licence fee may be considered as a means to create a more equitable situation for merchants who operate from a bona-fide commercial area. However, too high a fee for a business licence could render some types of home occupations unprofitable, and become a form of deterrent for many home occupations. There may also be a potential danger that the high licence fee may drive the home occupations "underground", which would create difficult enforcement problems. A municipality therefore should consider carefully the amount it wishes to charge. At present, business licence fees for home occupations vary from $50 to $250 in Alberta municipalities. Some sample business licence bylaws are included in the appendices for reference.

CONCLUSION

Through a province-wide survey and literature review, this study provides information on the issues and implications surrounding "home occupations". Although the home occupation issue is generally a problem for large municipalities at present, the trend towards more "cottage industry" appears to be becoming popular in Alberta. This may be partly a response to the present economic situation, and partly due to the preference of many people for a different life style.

Alberta municipalities, under the present legislation, are given the prerogative of whether or not to regulate home occupations. For those municipalities contemplating taking action, the most essential principle in dealing with home occupations is: "do not regulate for regulation's sake". Only regulate when there is a definite need for such an action. Carefully assess the situation to determine the problem before deciding on the application of the appropriate legislation and bylaws.

With careful planning, home occupations may become complementary to other commercial establishments in the community. More choices would then be opened to the residents as to the locale of their work places. Home occupations need not be viewed negatively. Rather, they can be looked upon as an opportunity to strengthen the municipal economic base.

REFERENCE

1. The Intergovernmental Committee on Urban and Regional Research, **Home Occupation Bylaws,** 1981.
2. Naisbitt, John, **Megatrends: Ten New Directions Transforming Our Lives,** New York: Warner Books 1982.
3. Toffler, Alvin, **The Third Wave,** New York: Bantam Books 1980
4. Toner, William, **Planning for Home Occupation,** American Society of Planning Officials, Planning Advisory Service Report #316, 1976.
5. Townson, Monica, **High-Tech Homeworkers: Are computers Destroying Your Home?** in **Goodwins,** Fall, 1984.
6. Wolfgang, Tamara H., **Working At Home: The Growth of Cottage Industry** in **The Futurists,** Fall 1984.

APPENDIX 1

Home Occupations Survey Questionnaire

alberta development officers association
BOX 1055, COCHRANE, ALBERTA T0L 0W0

January 17, 1985

Municipal Administrators
Alberta Municipalities

RE: Home Occupations

Home Occupations have been a contentious issue. With the downturn in the economy, they have become even more prominent. The Alberta Development Officers Association has obtained the assistance of the Planning Services Division of Alberta Municipal Affairs to prepare a comprehensive overview of the issues and approaches to home occupations. It is hoped that the study will assist municipal administrators, development officers, planners, council members, merchants and others to better understand and handle the issue.

The attached brief questionaire forms a part of the study. A summary of this investigation will be presented at the spring conference of The Association in March, 1985. A final report will be completed by the summer. We are counting on your cooperation to make the project a meaningful endeavour. Please complete and return the questionaire by February 15, 1985. Thank you.

Yours truly,

Randy Bertrand, President
Alberta Development Officers Association

Please return replies to:

Shirley Kwan, Inter-Agency Planning Branch
Alberta Municipal Affairs
8th Floor
9925 - 107 Street
Edmonton, Alberta
T5K 2H9

Return to: SHIRLEY KWAN
Inter-Agency Planning Branch
Alberta Municipal Affairs
8th Floor
9925 - 107 Street
Edmonton, Alberta T5K 2H9
(403) 427-2106

HOME OCCUPATIONS SURVEY

Definition: home occupation - the pursuit of gainful employment from a residence (homecrafts, office retail, manufacture, service)

1. Does your municipality require home occupations to obtain development permits through the land use by-law? Yes_____ No_____

   IF YES,
   (1) could you please enclose a copy of the relevant portions of your land use by-law and any special application form if required.

   (2) what is the development permit fee for home occupations? _____

2. Does your municipality require home occupations to obtain business licenses? Yes_____ No_____

   IF YES, could you please enclose a copy of the fee schedule, other pertinent portions of your licensing by-law or special application form if required.

3. Does your municipality assess a portion of home occupations as commercial property? Yes_____ No_____

   COMMENTS (have you considered this approach?):

4. Are home occupations an issue in your municipality? Yes_____ No_____

   IF YES, what are the principal concerns, in order of importance:

   1._____

   2._____

3. _____

4. _____

5. _____

5. Could you please indicate with a check mark in the appropriate box below, the general feelings of each group towards home occupations, their regulation and impact.

	Administration	Council	Chamber/ Merchants	Other (specify) eg. neighbourhood
Strongly Supports				
Generally Supports				
Neutral				
Generally Opposes				
Strongly Opposses				

COMMENTS:

6. How many home occupations would you estimate are in the municipality and what proportion are approved by the municipality?
If there is a difference, why?

7. What overall are the five most predominant types of home occupations in order of occurrence?

   1. _____

   2. _____

   3. _____

   4. _____

   5. _____

8. What types of home occupations have been most frequently applied for recently?

   1. _____

   2. _____

   3. _____

9. What enforcement problems have you encountered with home occupations (if any)?

10. General Comments

11. Could you please provide the following information:

Name of person completing form: _____

Position: _____

Name of Municipality: _____

Population: (check one)

under 500	_____
500 - 999	_____
1000 - 1999	_____
2000 - 3999	_____
4000 - 7999	_____
8000 - 15999	_____
16000 - 31999	_____
32000 - 63999	_____
64000 & over	_____

APPENDIX 2

List of Municipalities Selected for In-Depth Interview

1. County of Leduc
2. City of Fort McMurray
3. City of Calgary
4. Town of Strathmore
5. Town of Fort Saskatchewan
6. Town of Devon
7. I.D. #8
8. M.D. Kneehill

APPENDIX 3

Sample Land Use Bylaw
(Sections on Home Occupations)

TOWN OF STRATHMORE
EXCERPT FROM LAND USE BYLAW

9.9.0 OCCUPATIONS IN RESIDENTIAL DISTRICTS

There are three distinct types of Land Uses which shall be included under the Occupations in Residential District Category. These three uses are Offices-in-the-home, Homecrafts and Home Occupations. Development permits are not required for paper routes and baby sitting operations as defined in this bylaw. Occupations in Residential Districts shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. These activities shall be an incidental and subordinate use to the principal residential building and accessory building.

9.9.1 OFFICES-IN-THE-HOME

Offices-in-the-home shall mean developments consisting of the use of a dwelling and/or accessory building as a professional or business office for gain or support by a person who occupies the dwelling as his private residence. An office-in-the-home shall be limited to a desk and telephone operation. Typical uses would include plumbers, accountants and catalogue sales where there is no warehousing of goods, and no client contact in the home.

In addition to the one professional or business person operating an office-in-the-home one other person may be employed to provide support duties only, such as answering the phone, clerical or other related duties.

9.9.2 HOMECRAFTS

Homecrafts shall mean development consisting of the use of a Permitted or Discretionary Dwelling for an occupation, for gain or support as a direct result of the extension of a hobby, conducted within the dwelling only by no more than 2 persons who occupy the dwelling as their private residence. Homecrafts are uses secondary to the residential use. This class does not include Personal Service Shops or Commercial Schools such as beauty parlors, barber shops, and dance schools, nor does it include home cooking and preserving for gain or support. Typical uses include dressmaking, millinery, and similar domestic homecrafts, the manufacture of novelties and souvenirs, handicrafts, stamp and coin collecting and sales as an extension of a hobby, individual instruction to music students and the carrying out of minor repairs to household equipment normally used within a dwelling.

9.9.3 HOME OCCUPATIONS

Home Occupations shall mean an occupation for gain or support, excluding offices-in-the-home and homecrafts, which shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling unit and accessory buildings. Home occupations shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Dry cleaning establishments and laundromats shall not be considered home occupations.

There shall be no more than 2 persons employed in the home occupation activity. One person shall be a resident of the building in which the home occupation is being carried out.

9.9.4 GENERAL REGULATIONS

The following general regulations shall apply to all three types of Occupations in Residential Districts - the Office-in-the-home, Homecrafts and Home Occupations:

1. An unlighted sign to identify the use conducted on the site may be placed in a window or attached to the exterior of the residence on the street side of the residence and the size of the sign shall be limited to 1,000 cm^2.

2. The occupation shall not create a nuisance by way of dust, noise, odour or smoke.

3. There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.

4. The occupation shall not generate pedestrial or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.

5. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the occupation.

6. The occupation shall not require any alterations to the principal and accessory buildings.

7. The occupation shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling involved.

8. The occupation shall not be permitted in a residence if, in the opinion of the Municipal Planning Commission, it would be more appropriately located in a Commercial or Industrial District.

9. A development permit when first issued for an occupation shall expire on December 31 of that calendar year, at which time a new application for a development permit must be submitted to the Town on a yearly basis unless Section 9.9.5(3) applies.

10. If, at any time, any of the requirements for occupations in Residential Districts are not complied with, the Municipal Planning Commission may suspend or cancel a development permit.

11. A home occupation permit does not exempt compliance with health regulations or any other permit requirements.

9.9.5 SPECIAL REQUIREMENTS

1. The floor space of a Homecraft or Home Occupation shall not exceed 28 m^2.

2. An Office-in-the-home shall not have any warehousing of saleable goods.

3. Notwithstanding Subsection 9.9.4(9), if the Municipal Planning Commission and Development Officer are satisfied that the Occupation in the Residential District has complied in all respects to the provisions of this Bylaw, the Development Officer may renew the permit in accordance with the following terms:

   (a) A term of up to five years may be granted for an Office-in-the-home with permit renewal on an annual basis up to completion of the term.

   (b) A term of up to two years may be granted for a Homecraft Occupation with permit renewal on an annual basis up to completion of the term.

   (c) A new permit must be applied for upon completion of the term as in (a) and (b) above to continue operation of the occupation.

9.10.0 OBJECTS PROHIBITED OR RESTRICTED IN A RESIDENTIAL DISTRICT

9.10.1 No person shall be allowed to keep or maintain on a site:

(a) a commercial vehicle with a licensed gross vehicle weight (GVW) rating in excess of 4,082 kilograms excepting emergency service vehicles as determined by resolution of Council, for longer than is reasonably necessary to load or unload the vehicle;

(b) an industrial or construction vehicle except when such a vehicle is required pursuant to a development or building permit for that site;

(c) an unlicensed, dismantled, or derelict vehicle for more than 48 hours.

(d) any object or chattel which, in the opinion of the Development Officer or Municipal Planning Commission, is unsightly or tends to adversely affect the amenities of the district.

STRATHCONA COUNTY
EXCERPT FROM BYLAW 102-84

A (1) Home Occupations shall be classified and provided as follows:

(a) Home Occupation - Type I: This type of home occupation shall:

i) consist of a one person operation only;

ii) not generate any customer vehicular or pedestrial traffic to the site from which the occupation is being operated;

iii) not involve the parking or maintenance of a commercial vehicle on or about the site; and

iv) comply with subsection (2) of this section.

(b) Home Occupations Type I shall include the following listed uses:

- door-to-door salespersons (beauty and health products only)
- seasonal lawn cutting/snow removal services
- telephone answering services
- telephone soliciting
- studios for: artist, author, ceramicist, composer, flower arranger, model maker, potter, sculptor and silk screener
- any other use which, in the opinion of the Development Officer, is similar in nature to the above-listed uses.

(c) Home Occupation - Type II: this type of home occupation shall:

i) with the exception of ii) below, not generate more than one client to the site from which the occupation is being operated at any given time, to a maximum of three clients per day;

ii) include babysitting services catering to not more than three children; and

iii) comply with subsection (2) of this section.

(d) Home Occupation Type II shall include the following listed uses:

- babysitting services (not more than 3 children)
- catering services
- delivery services
- furniture moving services
- individual private instruction in:
  academics, art, dance, music, sewing, and cooking
- locksmith services
- mail order businesses
- mobile repair/installation/janitorial services
- mobile entertainment services (magician, disc jockey)
- mobile food vendors
- office-in-the-home home for self employed:
  accountant
  adjuster
  advertising agent
  appraiser
  architect
  bookkeeper
  bricklayer
  broker
  building contractor
  business/management
  consultant
  carpet installer
  carpenter
  commercial photographer
  computer programmer
  designer
  electrician
  engineer
  landscape contractor
  lawyer
  minister
  plumber
  priest
  private investigator
  rabbi
  realtor
  researcher
  salesperson
  secretary/typist
  tax consultant
- seamstress/tailor/fashion designers
- security control installation services
- signmaking
- household appliance repairs (less than 0.23 m^3 in volume)

- any other use which, in the opinion of the Development Officer, is similar in nature to the above-listed uses.

(e) Home Occupation - Type III: this type of home occupation shall:

i) include all home occupations not considered Home Occupation Type I or Type II, unless otherwise provided in this bylaw; and

ii) comply with subsection (2) of this section.

(2) HOME OCCUPATION REGULATIONS

(a) All home occupations shall comply with the following general regulations:

i) no more than 25% of the gross floor area of the principal building shall be used for the home occupation;

ii) no variation from the external appearance and residential character of land or buildings shall be permitted;

iii) no structural change to any building for the purpose of accommodating a home occupation shall be permitted;

iv) no home occupation shall involve the sale or display of any goods on the site other than those goods constituting the finished principal product of the home occupation subject to adequate on-site parking being provided.

v) where a sign is permitted, the sign shall be in accordance with Section 13 of Schedule 4, Sign Regulations;

vi) the home occupation shall not generate pedestrial and/or vehicular traffic or parking in excess of that which is characteristic of the neighbourhood within which it is located. At no time shall the home occupation generate traffic problems within the neighbourhood;

vii) no offensive noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the home occupation;

viii) all home occupations shall be in strict compliance with the provisions of this bylaw and the conditions imposed; the permit may be revoked at any time, if, in the opinion of the Development Officer, the operator of a home occupation has violated any conditions of this bylaw or the permit issued; and

ix) at all times the privacy and enjoyment of adjacent dwellings shall be preserved and the home occupation shall not adversely affect the amenities of the neighbourhood.

(b) In addition to the regulations in subsection 2(a), the following regulations shall apply to Home Occupations Type II and III in RR-1, R1A, R1B, R-2, R-3, R-4, R-5, MHR, and RD Districts:

i) no person other than residents of the site shall be engaged in the home occupation operating from the same site;

ii) no exterior storage or operation of the home occupation shall be permitted; and

iii) not more than one commercial vehicle of a capacity up to three quarters of a ton, to be used in conjunction with the home occupation, shall be parked or maintained on or about the site.

(c) In addition to the regulations in subsection 2(a), the following regulations shall apply to Home Occupations Type II and III in CR, CRMH and on SH or AG District parcels less than 4 hectares (9.9 acres) in size:

i) no person other than residents of the site shall be engaged in the home occupation operating from the same site, except that an office-in-the-home Type II Home Occupation may employ a maximum of one non-resident person on the site;

ii) no exterior storage or operation of the home occupation shall be permitted; and

iii) not more than one commercial vehicle of a capacity up to one ton with one accessory trailer bed, to be used in conjunction with the home occupation, shall be parked or maintained on or about the site.

(d) In addition to the regulations in subsection 2(a), the following regulations shall apply to Home Occupations Type II and III in SH and AG District parcels greater than 4 hectares (9.9 acres) in size:

i) exterior storage and operation of the home occupation may be permitted if, in the opinion of the Development Officer or the Municipal Planning Commission, the exterior storage and operation area is adequately screened and is sited behind the principal building at a minimum distance of 30 m (100 ft) from any property line;

ii) a home occupation may employ a maximum of one non-resident person on-site in addition to the residents of the site;

iii) not more than two (2) commercial vehicles or two (2) commercial vehicles each with one accessory trailer bed, to be used in conjunction with the home occupation, shall be parked or maintained on or about the site; and

iv) not withstanding iii) above, where access to the site on which the home occupation is located is gained by means of an internal subdivision road, condition iii) of subsection 2(c) shall apply.

TOWNSHIP OF NEPEAN, ONTARIO
EXCERPT FROM ZONING BYLAW #120-78

Home Occupation Rural

Home Occupation Rural shall mean any occupation which is carried on within a farm unit as an accessory use and only by a farmer and/or by the members of the family residing on the farm provided that:

(i) This definition shall include the non-commercial slaughtering of livestock raised on the farm and for the sole use of those residing on the farm.

(ii) This definition shall include the operation of a grain drying facility.

(iii) There shall be no display to indicate to persons outside that any part of the farm is being used for other than residential and agricultural purposes.

(iv) Such use is clearly secondary to the main agricultural use and does not change the agricultural character of the farm and does not create nor become a public nuisance, in particular in regard to noise, traffic or parking.

(v) No person shall be employed except as is necessary for housekeeping purposes.

(vi) This definition shall include veterinary services for the farm animals but not including an ANIMAL HOSPITAL.

(vii) This definition shall include the breeding of animals other than the operation of a KENNEL & CATTERY COMMERCIAL.

(viii) This definition shall include a seasonal retail outlet for farm produce provided it is for the retailing of only that produce which has been produced on the farm on which the outlet is located.

APPENDIX 4

Sample Business Licence Bylaws

CITY OF ST. ALBERT

BY-LAW NO. 24/84

Being a by-law relating to the licensing and regulation of certain businesses, occupations, and property within the City of St. Albert.

The Municipal Council of the City of St. Albert hereby ENACTS AS FOLLOWS:

Title

1. This By-law may be cited as "The License By-law".

Definitions

2. In this By-law unless the context otherwise requires:

(1) "Act" means the Municipal Government Act, Chapter M26, R.S.A., 1980 as amended or replaced from time to time;

(2) "applicant" means a person who applies for a license or a renewal of a license required by this By-law;

(3) "business" means any business, occupation, activity, amusement, entertainment, trade, employment, profession or calling;

(4) "carry on" means carry on, operate, perform, keep, hold, occupy, deal in or use, for gain, whether as principal or agent;

(5) "charitable or non-profit organization" means a person, association of persons, or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividend or profit to its members and includes:

(a) a religious society or organization,

(b) a service club,

(c) a community, veterans' or youth organization,

(d) a social, sport or fraternal organization or club,

(e) an employers' or employees' organization;

(6) "City" means the City of St. Albert, a municipal corporation of the Province of Alberta, and where the context so requires means the area contained within the corporate boundaries of the said municipality;

(7) "City Clerk" means the City Clerk of St. Albert as appointed by Council;

(8) "City Manager" means the City Manager of St. Albert as appointed by Council;

(9) "City Solicitor" means the City Solicitor of St. Albert as appointed by Council;

(10) "Council" means the Municipal Council of the City;

(11) "License" means a license granted by the City of St. Albert entitling the person to whom it is granted to carry on an activity therein specified in the City of St. Albert. The said License shall be in the form of a written permit and showing thereon the type of business engaged in;

(12) "License Appeal Board" shall be composed of the City Manager, City Solicitor and City Clerk;

(13) "licensee" means a person holding a valid and subsisting license issued pursuant to the provisions of this By-law;

(14) "License Inspector" means the person so designated herein and includes any inspector designated by the City Clerk to perform such duties, and anyone acting or authorized to act on his behalf, including any member of the Royal Canadian Mounted Police in the enforcement of this By-law;

(15) "home occupation" means any person, firm or corporation carrying on any business from a residence within the City of St. Albert;

(16) "motor vehicle" means an automobile, truck or motorcycle;

(17) "non-resident" means any person who does not permanently reside or have a place of business in the City;

(18) "person" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires;

(19) "Planning By-laws" means Land Use By-law No. 32/79 as amended or replaced and all other statutory plans and by-laws as have been made or may be passed by the City;

(20) "Planning Department" means the City Department charged with the control and management of the Planning By-laws;

(21) "Police" means any member of the R.C.M.P., or any Peace Officer, or By-law Enforcement Officer, appointed by the City of St. Albert;

(22) "premises" includes the store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any person for the purpose of any business;

(23) "resident business" means any person, firm or corporation carrying on business in the City of St. Albert and assessable for business tax.

Appointment of License Inspector

3. The City Clerk shall appoint a License Inspector and such assistants as may be required to carry out the terms of this By-law.

Powers and Duties

4. The powers and duties of the License Inspector are:

(1) to receive and deal with all applications for licenses and transfers thereof including the collection of money payable under this By-law;

(2) to ascertain that all information furnished by an applicant in connection with an application for a license or transfer of a license is true in substance and in fact;

(3) to prosecute violations and infractions of this By-law.

Exemptions from Licensing

5. (1) A business license shall not be required for a resident business.

(2) The City of St. Albert, its employees and agents while acting within the scope and course of their employment are exempt from any and all items and provisions of this By-law.

Necessity for License

6. (1) No person shall within the City:

(a) carry on or operate any of the business, callings, trades, or occupations referred to in this By-law; or

(b) carry on any undertaking, do any act, or use or have any article for which a license is required;

unless he holds a valid license from the City of St. Albert obtained in accordance with the provisions of this By-law.

(2) Any advertising of the businesses, callings, trades, or occupations shall be deemed to be prima facie proof of the fact that the person advertising is carrying on or operating any such business, calling, trade, or occupation.

License Fee

7. (1) No person shall carry on or operate any business, calling, trade or occupation within or partly within the City without first paying to the License Inspector the license fee prescribed in this By-law.

(2) (a) The license fee for all non-resident businesses shall be $150.00 per annum.

(b) The license fee for all home occupations shall be $150.00 per annum.

Exemptions From Fees

8. (1) Where any charitable or non-profit organization wishes to be exempted from the requirements of this By-law to pay a license fee, it shall apply in writing to the License Inspector for such exemption, providing the License Inspector with:

(a) the name of the organization, the Articles or Memorandum of Incorporation, and such other information as the License Inspector requires to determine that the organization is a charitable or non-profit organization as defined by this By-law;

(b) a description of the business which the organization wishes to carry on and the time and place where it is to be carried on.

(2) The License Inspector may grant any exemption applied for pursuant to this section with or without conditions, or may refuse to grant any such exemption.

(3) Where an exemption is granted to an organization pursuant to this section, unless the exemption when granted specifically otherwise provides, the organization shall comply with the provisions of this By-law relating to the business to be carried on, other than the requirement to pay a license fee.

Application Form

9. An applicant for a license shall make application to the License Inspector on a form supplied by the License Inspector, furnishing such information as the form shall require and such additional information as the License Inspector may from time to time require, including:

(1) a statutory declaration, where required by the License Inspector, substantiating the information contained in the form;

(2) every Federal or Provincial Certificate, authority, license or other document or qualification that may be required in connection with the carrying on of a business;

(3) a Provincial License where required under any Provincial Act;

(4) any certificate or other approval required by any provision of this By-law in respect of the business;

(5) the license fee payable in respect of the business as set out in this By-law.

Home Occupations

10. (1) No license shall be issued for a home occupation until the applicant is in possession of a valid development permit issued under the provisions of the City's Land Use By-law.

(2) Where a business subject to licensing is carried on or intended to be carried on in more than one location, a license shall be required in respect of each place as though the business carried on in each were a separate business.

Compliance

11. (1) Whenever an applicant for a license has complied with the terms of this By-law and of any other by-laws applicable, he shall be entitled to the license applied for upon payment of the proper fee.

Appeal

12. (1) Where an application for a license or for a transfer of a license has been refused or has been authorized subject to conditions, the applicant may appeal to the License Appeal Board.

(2) After hearing the applicant and the evidence adduced, the License Appeal Board may confirm such refusal or conditional approval or may direct that the license be issued either conditionally or unconditionally as may be deemed expedient in the public interest, and the decision of the License Appeal Board is final.

(3) Every such appeal shall be made in writing within thirty (30) days after a license has been refused or revoked, otherwise the right of appeal shall be barred and extinguished.

Production

13. Every licensee who holds a license under this By-law which is not limited to specific premises, shall, so long as the license is in force, have immediately available the license or duly authorized copy thereof and such licensee shall, upon request, forthwith produce same to a Police Officer, a License Inspector, or any person with whom he is doing business to which the license relates.

Inspection

14. Where a business involves the occupation of a specific building or a specific location and such business is reasonably believed to require a license under this By-law a Police Officer, a License Inspector or any other authorized person may inspect the building or location for any purpose under this By-law at all reasonable times during the license year.

Revocation and Refusal

15. (1) Where, on inspection, a business which is subject to an inspection by or on behalf of the Medical Officer of Health is found to contravene any provision of the Public Health Act R.S.A. Ch. P27 1980 and any regulations made thereunder, and amendments or substitutions therefor or any City By-law respecting health, the Medical Officer of Health may revoke the license in respect thereof.

(2) Where, on inspection, a business which is subject to an inspection by or on behalf of the Fire Marshall or the Planning Department is found to contravene the provisions of:

(a) the Fire Prevention Act R.S.A. Ch. F101 1980 or as amended or replaced from time to time;

(b) the Planning Act R.S.A. Ch. P9 1980 or a Planning By-law as replaced or amended from time to time;

the Fire Chief or the Planning Department shall report the contravention to the License Inspector who may revoke the license therefor.

(3) The License Inspector may revoke or refuse to grant any license on any grounds which, in his opinion, are just and reasonable.

(4) Upon a license being revoked as hereinbefore provided, the License Inspector shall notify the licensee thereof:

(a) by delivering a notice to him personally; or

(b) by mailing a double registered letter to his place of business or residence as shown on his license, and shall have been deemed to have been received five days after the date of mailing;

and after the delivery or deemed receipt of such notice his business or occupation, as the case may be, shall not be carried on until such time as a new license is issued.

Duration

16. Every license issued under the provisions of this By-law shall terminate at midnight on the 31st day of December of the year in which said license was issued unless:

(1) the license provides otherwise; or

(2) the license has been sooner cancelled or forfeited.

Fees

17. (1) Where a fee required has been paid by the tender of an uncertified cheque, the license:

(a) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license; and

(b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

(2) Part Year

(a) The License Inspector may, after July 1 of any license year, issue a license for one-half the annual fee set out in subsection (1) hereof.

(b) Where a license is surrendered or revoked, the City shall refund to the licensee, prior to July 1, one-half the annual fee therefor, but this provision shall not apply to any licence issued for a period of less than the full license year.

Penalty

18. (1) Any person contravening any provision of this By-law shall be liable upon conviction therefor to a fine of not less than $250.00 and not more than $1,000.00 exclusive of costs, and in case of non-payment of the fine and costs so imposed, the person shall be imprisoned for a period of time not to exceed six months unless the fine and costs including the cost for committal are sooner paid.

(2) Where the offence is non-payment of any license fee payable hereunder, the convicting provincial judge may adjudge payment thereof in addition to the fine imposed.

(3) As an alternative to subsection 1 of this section, the License Inspector may enforce the provisions of this By-law and may issue a ticket to any person alleged to have committed one or more breaches of the By-law. The ticket shall state the alleged offence and require forfeiture and payment of the appropriate fine as follows:

(a) a penalty equivalent to twice the applicable license fee shall be levied against and paid by any person who commits a breach of any of the provisions of this By-law;

(b) a penalty equivalent to three times the applicable license fee shall be levied against and paid by any person who commits for a second time a breach of provisions of this By-law provided the offence is committed within twelve (12) months of the committing of the first offence;

(c) a penalty equivalent to four times the applicable license fee shall be levied against and paid by any person who commits for a third time or time in excess of three (3) a breach of any of the provisions of this By-law provided the offence is committed within twelve (12) months of the committing of the first offence.

(4) An offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender or by sending it to the alleged offender by single registered mail.

19. By-laws 46/65, 7/66, 29/67, 23/70, 65/81, 23/82 and 29/83 are hereby repealed.

READ a first time this 17th day of December A.D. 1984;

READ a second time this 17th day of December A.D. 1984;

READ a third and final time this 7th day of January A.D. 1985.

MAYOR

CITY CLERK

VILLAGE OF FOREMOST
EXCERPT FROM HOME OCCUPATIONS BUSINESS LICENCE BYLAW

1. No person shall conduct or carry on a business, trade or occupation within the corporate limits of the Village of Foremost from dwelling premises unless he is the holder of a valid and subsisting license issued by the Village of Foremost pursuant to the provisions of this bylaw.

2. Applications for a license, for renewal of license or for a transfer of licensed location within the Village of Foremost shall be made on a form to be provided by the issuing authority and shall be made in person at the office of the issuing authority.

3. No License shall be issued to a person under the provisions of this bylaw in the case where a Provincial license is required, unless such person is the holder of a valid Provincial license as required.

4. The license fee payable for each class of business, trade or occupation for the year shall be the rate of FIFTY CENTS (0.50¢) per square foot of the residential floor area to which the public has access in connection with the business, trade or occupation of the applicant for the said license. Where the application for license is for a term of less than a full calendar year the fee shall be in proportion to the number of days left in the current year.

5. Every license issued under the provisions of this bylaw shall terminate at midnight the 31list day of December of the year in which the said license was issued unless expressly stated to be for a shorter period or has been sooner cancelled or forfeited.

6. Where a license is revoked or surrendered a refund of an amount in proportion to the unexpired part of the term for which the license was granted shall be made to the licensee.

7. Council may refuse to issue a license where in it's opinion the business, trade, calling or occupation may cause a health, fire, traffic hazard or may otherwise infringe on the rights of persons residing in adjoining properties zoned as residential areas.

8. The Council may at any time revoke or suspend any license issued under the provisions of this bylaw for failure to comply with any of the conditions or requlations made hereunder or hereafter by amendment.

9. Any person who commits a breach of this bylaw shall be liable upon summary conviction to a fine not exceeding Fifty ($50.00) dollars and costs.

APPENDIX 5

Sample Home Occupation Application Forms

M. D. OF KNEEHILL NO. 48 **THREE HILLS**

PHONE 443-5541

APPLICATION FOR HOME OCCUPATION

Development Control By-law #913

The undersigned hereby makes application for a home occupation permit in accordance with supporting information submitted herewith as outlined below. **DEFINITION:** Home occupation means a use of a building or site which normally is incidental and subordinate to the principal use of the building or site and meets the special requirements of this bylaw.

Fee $20.00
Receipt # _____
D.P. # _____

PART A

APPLICANT: _____

ADDRESS: _____ **PHONE NO.** _____

LEGAL DESCRIPTION: Lot _____ Block _____ Plan _____ **OR:** Part _____ Sec. _____ Twp. _____ Rg. _____ W4th

SIZE OF PARCEL: Acres or Dimensions _____

REGISTERED OWNER LAND: ☐ same as above ☐ other - Name _____

Address _____

NOTE: Is the application for renewal of an existing home occupation with **NO** changes: ☐ Yes ☐ No

If No, complete Part B of application. If Yes do not proceed any further.

PART B

PROPOSED USE OF LAND OR BUILDING _____

NAME/DESCRIPTION OF HOME OCCUPATION _____

GOODS AND MATERIALS STORED ON PREMISES ☐ Yes ☐ No (If Yes give details)

BUILDING(S) AREA USED IN OPERATION (Give detailed sketch on seperate "Site Plan")

NUMBER OF EMPLOYEES: _____ **PROPOSED ALTERATIONS TO BUILDING:** ☐ Yes ☐ No

(If Yes, provide details): _____

NUMBER OF VEHICLES TO BE USED IN HOME OCCUPATION AND TYPE (Automobile, Truck, etc.)

HOURS OF OPERATION: Full Time Employment _____

Part Time Employment _____

OTHER INFORMATION: _____

I have read the definition of Home Occupation and the general regulations listed on the back of this form, and I am fully aware that any permit approved and issued under Bylaw #913 is subject to Revocation at anytime in default of any condition.

Signature of applicant _____ Date _____

NOTE: See back for General Regulations.

9.8.0 HOME OCCUPATIONS

9.8.1 Home occupations shall be a temporary commercial or industrial use. Home occupations are limited to those uses which are approved by the Development Officer for the dwelling or site where they are carried on for a period not exceeding one (1) year at which time the Development Officer may allow the continuance of the use.

9.8.2 Home occupations shall not create a nuisance by way of dust, smoke, smell, noise or traffic.

9.8.3 No form of commercial advertising related to the home occupation shall be displayed.

9.8.4 A home occupation shall not require alterations to any principal building unless the alterations are approved by the Development Officer.

9.8.5 In hamlets a home occupation shall:

(a) be confined to the residence and subordinate to the principal use as a residence and shall be limited to those uses which do not interfere with the rights of other residents to the quit injoyment of a residential neighborhood.

9.8.6 In an agricultural district a home occupation shall:

(a) be confined to the site and subordinate to the principal use of the site for agricultural and residential purposes.

(b) have limited outside storage of materials, goods or equipment.

THE CITY OF St. Albert

5 ST. ANNE STREET
ST. ALBERT, ALBERTA T8N 1E8

PLANNING SERVICES
459-1642

JANUARY 1984

HOME OCCUPATION APPLICATIONS

The following information is extracted from the City of St. Albert Land Use Bylaw 32/79, as amended, and fee schedules. This information is not certified as correct and the bylaw should be consulted for detailed information.

Each business which has an office or place of business located within St. Albert must have a development permit and a municipal business licence for each location. The development permit is a document which provides written authorization to use a particular property for a particular use (ie. zoning or land use approval). The business licence provides the authorization required to operate the business. As well, you may be required to obtain approval from the Sturgeon Health Unit.

Under the Bylaw, a Home Occupation (business operated within a residence) is a discretionary use requiring the approval of the Development Officer or the St. Albert Municipal Planning Commission. An excerpt from the Land Use Bylaw is attached. The Development Officer or Municipal Planning Commission may apply additional conditions as may be required.

* A development permit application form must be completed at the Planning Department. The type of business which is to be conducted from your home must be briefly described under "Development Proposed", specifying retail, wholesale, manufacture or service uses.

* Please fully answer the attached questionnaire.

* If you are not the owner of the residence, or if you reside in a condominium, a letter from the registered owner or condominium association will be required, giving you authorization to use the residence for the stated business purposes.

** The following fees must be paid before the application is considered complete:

1.	Development permit application fee	$20.00
2.	Municipal Planning Commission fee	$35.00

* We would ask that you issue separate cheques for each fee, payable to the City of St. Albert. When the application is considered by the Development Officer, and if he considers it unnecessary to forward the application to Municipal Planning Commission, your cheque for $35.00 will be returned to you with our approval.

* If it is necessary for the application to go to Municipal Planning Commission, the following occurs:

1. You will be notified by letter of the date, time and place of the Commission meeting. You are urged to attend the meeting so that you may answer any questions which may arise.

. . . .2/

2. Notices are also sent to property owners within sixty metres (200 feet ±) of your property advising them of the application and asking for their comments on the application. Any comments received are circulated to the Municipal Planning Commission members and you. You may wish to encourage your immediate neighbours to submit written comments for your benefit.

3. You, and any persons who responded as a result of the notifications sent, will be advised of the Commission's decision.

* Upon approval, it is necessary for you to obtain a Municipal Business Licence from the City Clerk's department (459-1616). This must be renewed each year.

* Development permits are not transferable to another address. If you change locations, it is necessary for you to reapply by means of a new development permit. Please contact the Planning Department at 459-1642.

* Should you require information regarding your Business Tax assessment, please contact the Assessment Department at 459-1603.

CHECKLIST:

1. Submit the development permit application form and attached questionnaire together with the necessary fees to the Planning Department.

2. If you are not the owner of your residence, or if you reside in a condominium, submit a letter of authorization to use the property for business purposes.

3. Attend the Municipal Planning Commission meeting, if so advised.

4. Upon approval of your development permit, apply for your Municipal Business Licence and pay the required fee.

Home Occupations

24.

(1) If a home occupation is a permitted use or discretionary use in a land use district, no person shall

(a) display or advertise the home occupation outside the building in which the home occupation is located, unless a sign is permitted under the Sign Regulations in Schedule 3;

(b) store materials, commodities or finished products outside;

(c) use mechanical equipment with respect to the occupation except when ordinarily used for domestic purposes;

(d) sell anything on the premises except the product or service of the home occupation.

(2) If, as a home occupation, a person provides a service to the community, including the care of children or instruction of the arts, not more than 5 children, students or customers shall be in attendance at any one time.

(3) No person, other than a resident of the dwelling, shall be employed in a home occupation, in the dwelling.

(4) The development officer or Municipal Planning Commission shall not issue a permit for a home occupation which would

(a) unduly interfere with the amenities of the neighbourhood,

(b) materially interfere with or affect the use or enjoyment of neighbouring properties, or

(c) cause or create noise, dust, smell, smoke or vehicular traffic.

HOME OCCUPATION INFORMATION FORM

A. Explanation

1. Please write a brief explanation describing the nature and operation of your business. (ie. what goods do you sell, what services do you provide, are you just setting up an office from which to conduct a business, etc.)

_____

_____

_____

B. Storage of Materials

1. Are materials and/or equipment (hand tools or large equipment) used in the operation of your business? Yes____ No____

2. If yes, are these materials and/or equipment stored at your residence? Yes_____ No_____

3. If yes, please indicate:

(i) what kind they are:_____

_____

(ii) where they are stored:_____

_____

(iii) how much is stored:_____

_____

(iv) how long they are stored for:_____

_____

C. Off Residence Job Sites

1. Does your business involve providing goods or services at a job site(s) away from your residence? (examples carpet cleaning, home renovations) Yes___ No____

2. If yes, are materials delivered directly to the job site? Yes_____ No_____

3. If no, where are they delivered first?_____

_____

4. Between jobs, where do you store your tools and equipment and/or any left over materials? _____

_____

D. Vehicles

1. Do you use a vehicle(s) in the operation of your business? Yes____ No_____

2. If yes, what kind of vehicle(s) and where is it (they) parked?

_____

_____

3. If the vehicle used is a truck, how much does it weigh?_____

E. Clients and Customers

1. Do you have clients or customers coming to your residence? Yes _____ No_____

2. If yes, on what days or during which hours do they come to your residence?

_____

3. How many clients or customers come to your residence during an average day (or average week?) _____

4. How many clients or customers would be at your residence at one time?_____

5. While at your residence, where do your clients or customers park?

_____

F. Delivery of Goods

1. Are goods or materials used in connection with your business delivered to your residence? Yes_____ No_____

2. If yes, please indicate what kind of materials are delivered._____

_____

3. How often and during what hours are materials delivered?

_____

4. Do you deliver goods or materials to your customers? Yes_____ No_____

5. If yes, who are your customers (be general, ie. households, supermarkets, retail stores, etc.)_____

6. How often are these goods delivered? _____

G. Advertising

1. How do you advertise your business?_____

H. Employees

1. Are you the sole employee of the business? Yes_____ No_____

2. If no, do any other employees of the business work at your residence? Yes___ No__

3. If yes, how may employees work at your residence?_____

Using a ruler, please draw a floor plan on the bottom of this paper indicating what area of your home will be used for business. Please indicate room dimensions, areas, and the placement of furniture or equipment to be used in the operation of your business.